

DEPOSITION OF  
ALICIA MARTIN

1                   IN THE UNITED STATES DISTRICT COURT  
2                   FOR THE DISTRICT OF WYOMING

3       WILLIAM JEROME RUTH, individually,  
4       and as Wrongful Death Representative  
5       of the ESTATE OF CYNTHIA SHOOK RUTH,

6                   Plaintiff,

7       V.

8       BEARTOOTH ELECTRIC COOPERATIVE, INC.,  
9       a Montana Corporation, and ASPLUNDH  
10      TREE EXPERT, LLC, a Limited Liability  
11      Company formed in Pennsylvania,

12                   Defendants.

13                   DEPOSITION OF ALICIA MARTIN  
14                   March 16, 2023  
15                   9:30 a.m.

16       PURSUANT TO THE UNITED STATES RULES OF FEDERAL  
17       PROCEDURE, this Deposition was:

18       TAKEN BY:       Kenneth E. Barker, Esq.  
19                   Attorney for Plaintiff

20       REPORTED BY:   Barbara Jean Morgenweck, RPR, CCR  
21                   NCRA, RPR  
22                   New Mexico CCR #526  
23  
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1 Q. How long have Larry and Teresa lived in  
2 Clark?  
3 A. Ten years.  
4 Q. Where or what is their address?  
5 A. 283 Road 8Ud, yes.  
6 Q. Where is that geographically on Line Creek?  
7 A. It is not on Line Creek. They live over  
8 towards the canyon. Last Stand Ranch. They run the  
9 Buffalo Ranch.  
10 Q. Is that where they lived in November of  
11 2021?  
12 A. Yes.  
13 Q. I understand that your father, Larry,  
14 retired from fire service?  
15 A. Yes.  
16 Q. And that was in Missouri?  
17 A. Yes.  
18 Q. And where in Missouri?  
19 A. Lesterville, Missouri.  
20 Q. Was that a --  
21 MR. BAILEY: What is happening?  
22 MR. BONA: It's just bad connection  
23 feedback.  
24 MR. BARKER: Hank, the reason I didn't stop  
25 is because it quit yesterday.

12

1 MR. BAILEY: Sorry.  
2 THE REPORTER: (Requesting clarification.)  
3 THE WITNESS: L-E-S-T-E-R-V-I-L-L-E.  
4 BY MR. BARKER:  
5 Q. Is that a city or town?  
6 A. It is a town. It's more like a village,  
7 because it is not incorporated.  
8 Q. Is it next to a city?  
9 A. Close to Farmington, Missouri.  
10 Q. And in Lesterville, your dad was on the fire  
11 department?  
12 A. Uh-huh.  
13 Q. Yes?  
14 A. Yes. Sorry.  
15 Q. For how many years?  
16 A. In Lesterville, he was on the fire  
17 department for 15 years, and then prior he was on  
18 the fire department in Viburnum.  
19 Q. Spell that, please?  
20 A. V-I-B-U-R-U-M,[sic]. Viburnum.  
21 Q. And he retired from the fire department in  
22 Lesterville and moved to Clark?  
23 A. Yes.  
24 Q. Has he been employed while he has been at  
25 Clark?

13

1 A. Yes.  
2 Q. In what capacity?  
3 A. He has worked for -- well, he worked for Joe  
4 Pellar (ph) on the Buffalo Ranch, and then -- now he  
5 works for Dave McWilliams, who runs the Buffalo  
6 Ranch now.  
7 Q. Is your father, Larry, on the volunteer fire  
8 department for Clark?  
9 A. No.  
10 Q. I talked to your father briefly on the phone  
11 about his knowledge of the Clark fire. Have you  
12 visited with your dad about the Clark fire?  
13 A. Yes.  
14 Q. Can you describe for us in what context have  
15 you talked to him?  
16 A. I just talked to him about how I felt of  
17 what happened that night because, of course, we went  
18 to their house whenever we had to leave our house  
19 that night. The next day I went up and kind of  
20 looked at where the fire started, and I seen where  
21 it started at, and you could see where it went down  
22 the valley, you know, all the way down to where I  
23 lived in front of my house. You can see the burnt  
24 everywhere. Yet, that house that it started at, you  
25 could clearly see there was like a triangular area

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1 where it looked like it blew, you know what I mean?  
2 Q. Uh-huh.  
3 A. And so I talked to him about that. I was  
4 like, it looks like somebody started it. It looks  
5 like somebody set a bucket out there, it fell over,  
6 and it blew the fire the rest of the way out,  
7 because that night it was cold, and everybody had  
8 their fires going, my mom and dad included. And I  
9 had my heat going because it was chilly that night.  
10 And so I just assumed most likely somebody had taken  
11 ashes out of their fireplace, set the bucket  
12 outside, not thinking, and it blew away. And the  
13 place that it was, I believe that they rented it for  
14 deer hunters, so they may not have even been from  
15 the area, not knowing, you know, 120-mile an hour  
16 wind is going to blow away. So I talked to him  
17 about that.  
18 And then the fact that I realized that  
19 they're saying that Beartooth could have been  
20 involved and that power lines may have slapped  
21 together, but I didn't lose electricity until  
22 Beartooth shut it off. So if I -- it would have  
23 slapped together or anything, I feel like I would  
24 have lost electricity a little bit sooner than what  
25 I did. That is what I talked to him about. I hope

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1 you got all that.  
 2 Q. That is helpful. Have you served as a fire  
 3 prevention before?  
 4 A. I did, in Missouri. I was on the junior  
 5 firefighter with my mom and dad both.  
 6 Q. How many years?  
 7 A. I did three years with them.  
 8 Q. How old were you?  
 9 A. 16 and 17, 18.  
 10 Q. Beyond that, did you serve on a fire  
 11 department?  
 12 A. No.  
 13 Q. Have you taken any classes on investigation  
 14 of fires?  
 15 A. No. Just the classes I took for junior  
 16 firefighter.  
 17 Q. Have you taken any classes on the origin and  
 18 cause of wildland fires?  
 19 A. No.  
 20 Q. Have you ever fought a wildland fire?  
 21 A. No.  
 22 Q. Other than the wildland fire on November 15,  
 23 16, 2021, have you ever been involved in a wild  
 24 fire?  
 25 A. In Missouri, yes.

16

1 Q. Describe for us.  
 2 A. It was huge. It was terrifying.  
 3 Q. As a result of that, did you and your family  
 4 have to evacuate?  
 5 A. No. Luckily, it was just close to the house  
 6 so.  
 7 Q. Were you involved in any of the initial  
 8 attack or?  
 9 A. No. My parents were. I got to set up all  
 10 night for it.  
 11 Q. So in addition, other than that and the  
 12 Clark fire, have you been involved or witnessed any  
 13 other wildfires?  
 14 A. No.  
 15 Q. Do you consider yourself to be qualified to  
 16 do an origin and cause investigation?  
 17 A. No, by no means.  
 18 Q. When I speak of origin and cause of these  
 19 fires, do you know what I mean?  
 20 A. Yes. Like, what caused the fire, where did  
 21 it start, yes.  
 22 Q. So you generally have an understanding of  
 23 what that term means?  
 24 A. Right. I am going to tell you what I told  
 25 Kevin. I just used common sense that said. That's

17

1 how I explained it.  
 2 Q. That's okay. We're interested. So did you  
 3 call Kevin, or did he call you?  
 4 A. No, he called me.  
 5 Q. How is it that he got your name?  
 6 A. I -- he told me he was just calling  
 7 everybody on Line Creek, so I am guessing that -- I  
 8 mean, I don't know.  
 9 Q. Did you take notes of that call?  
 10 A. I did not.  
 11 Q. Have you talked to anybody before Kevin?  
 12 A. No.  
 13 Q. Anybody from Beartooth Electric?  
 14 A. No.  
 15 Q. By that time, you had talked to your father?  
 16 A. Yes.  
 17 Q. Let's discuss where you live, from what we  
 18 refer to as the Hutton property?  
 19 A. Yes.  
 20 Q. Do you know what I am talking about?  
 21 A. Yes.  
 22 Q. And this is property we have already  
 23 established in the record that is owned by Gretchen  
 24 and Scott Hutton?  
 25 A. Correct.

18

1 Q. Do you know Gretchen and Scott?  
 2 A. I don't.  
 3 Q. They have a caretaker by the name of Pam  
 4 Nelson?  
 5 A. I do know her.  
 6 Q. How do you know Pam?  
 7 A. Just by neighbors.  
 8 Q. And did you interact with Pam on a frequent  
 9 basis?  
 10 A. No.  
 11 Q. Have you ever gone to the Hutton property  
 12 prior to November 15th or 16th?  
 13 A. Just passing it.  
 14 Q. And when you pass it, you pass on a road  
 15 that's known as Louis L'Amour Lane?  
 16 A. Right.  
 17 Q. Louis L'Amour Lane is a private road?  
 18 A. Right.  
 19 Q. And it serves that general area, if I could  
 20 describe it this way, and I want you to correct me  
 21 if it is not, upper Line Creek?  
 22 A. Right.  
 23 Q. Now as a private road, then, residents use  
 24 it?  
 25 A. Yes.

6 (Pages 15 to 18)